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11 UNITED STATES OF AMERICA

12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,
15 Plaintiff,
16 v.

17 LI LIN HSU,
aka "Yilin Hsu,"
18 aka "Yilin Hsu Lee,"
19 Defendant.

No. CR 18-217(A)-AG

GOVERNMENT'S SUPPLEMENTAL POSITION
ON RESTITUTION

(UNDER SEAL)

Hearing Date: January 28, 2020
Hearing Time: 11:00 A.M.
Location: Courtroom of the
Hon. Andrew
Guilford

22 Plaintiff United States of America, by and through its counsel
23 of record, the United States Attorney for the Central District of

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1 California and Assistant United States Attorneys Poonam G. Kumar and
2 Alexander C.K. Wyman, hereby files its supplemental position on
3 restitution.

4 This position is based upon the attached memorandum of points
5 and authorities, the declaration of Assistant United States Attorney
6 Poonam G. Kumar, the files and records in this case, and such further
7 evidence and argument as the Court may permit.

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10 Dated: January 23, 2020

Respectfully submitted,

11 NICOLA T. HANNA
12 United States Attorney

13 BRANDON D. FOX
14 Assistant United States Attorney
Chief, Criminal Division

15 /s/
16 POONAM G. KUMAR
ALEXANDER C.K. WYMAN
Assistant United States Attorneys

17 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

In its original sentencing position, the government requested that the Court order defendant to pay Y.Y.L. and C.L. and their relatives \$3,065,698 in restitution. Since the filing of its restitution position, the government has received additional information, which has changed the government's restitution request.

The PSR found that the intended loss related to Y.Y.L. and C.L. was \$4,312,698. The government concurs with that calculation. After defendant was indicted in this matter, she returned an Irvine property she purchased with stolen funds to Y.Y.L. and C.L. As the government set forth in its original sentencing position, the amount Y.Y.L. and C.L. recovered from the sale of the home should offset the total restitution amount owed by defendant to Y.Y.L. and C.L. Based on documents received from counsel to Y.Y.L. and C.L., the government now understands the final sale price for the property was \$1,231,000, rather than the \$1,247,000 listed on publicly available websites. (Declaration of Poonam G. Kumar ("Kumar Decl.") Ex. A.) Y.Y.L. and C.L. did not receive that amount, however. From the proceeds of the sale, various charges, including commissions, title, and escrow charges, were deducted. (Kumar Decl. Ex. A.) After deduction of these fees, the total amount remitted to counsel for Y.Y.L. and C.L. was \$1,203,068.20. (Kumar Decl. Ex. A.) Based on a declaration obtained from counsel to Y.Y.L. and C.L., counsel then deducted his fees and expenses (totaling \$230,302.48) from the net proceeds and wired \$972,765.72 to Y.Y.L. and C.L. (Kumar Decl. Ex. B.) The government submits that funds, including attorney's fees, expended in order to recover the Irvine property are appropriately deducted from the final sale price in determining the offset to restitution.

1 Counsel to Y.Y.L. and C.L. has provided a declaration explaining the
2 work he provided in this matter and the calculation of his fees and
3 costs. (Kumar Decl. Ex. B.) Counsel stated that he is unable to
4 distinguish the fees and costs related to the Irvine property and
5 those related to those fees and costs related his clients' civil
6 lawsuit against defendant. (Kumar Decl. ¶ 4); see United States v.
7 Lagos, 138 S. Ct. 1684, 1688 (2018) (holding that the MVRA does not
8 require defendant pay for expenses incurred by the victim during
9 civil litigation). Counsel has stated that the only recovery for
10 Y.Y.L. and C.L. thus far has been the Irvine property and, thus, all
11 of his fees and costs should be considered related to the recovery of
12 the Irvine property. (Kumar Decl. ¶ 4.) The government submits that
13 the total withheld for future costs (\$872) is not appropriately
14 included, and accordingly, based on counsel's declaration and the
15 other facts set forth above, the government respectfully requests
16 that the Court offset the restitution amount owed to Y.Y.L. and C.L.
17 by \$973,637.72 and order defendant to pay Y.Y.L. and C.L.
18 \$3,339,060.28 in restitution. A new loss and restitution table is
19 appended hereto under seal. (Kumar Decl. Ex. C.)